

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 8. EMERGENCY AND MILITARY AFFAIRS

#### CHAPTER 5. PROJECT CHALLENGE

[R08-268]

#### PREAMBLE

**1. Sections Affected**

Article 1  
R8-5-101  
R8-5-102  
R8-5-103  
R8-5-104  
R8-5-105  
R8-5-106

**Rulemaking Action**

New Article  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section

**2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 26-102(C)(5)

Implementing statute: A.R.S. § 26-102(C)(9)

**3. List of all previous notices appearing in the *Register* addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 14 A.A.R. 3440, August 29, 2008 (*in this issue*)

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: David Ervine

Address: Department of Emergency and Military Affairs  
5636 E. McDowell Road, Building 101  
Phoenix, AZ 85008-3495

Telephone: (602) 231-6334

Fax: (602) 231-6271

E-mail: David.ervine@azdema.gov

or

Name: Clark S. Coldiron

Address: Arizona Project ChalleNGe  
20395 E. Rittenhouse Road  
Queen Creek, AZ 85242-9715

Telephone: (480) 988-4100, ext. 202

Fax: (480) 988-4121

E-mail: coldironc@azpc.org

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**5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:**

Project ChalleNGe is a national program supported by the U.S. Department of Defense and the National Guard Bureau. Arizona has operated Project ChalleNGe since July 1993. During that time, it has provided a second chance for approximately 2,600 young people who did not complete high school. In this rulemaking, the Department sets forth the criteria for qualifying for and participating in Project ChalleNGe.

**6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

The rules will have minimal economic impact. Those who want to participate in Project ChalleNGe, either as a cadet or mentor, will incur the cost of completing the application materials. They will make application voluntarily because they believe the benefits from participating in Project ChalleNGe exceed the costs of applying.

The economic impact of Project ChalleNGe is substantial. Data gathered at a national level show that 75% of participants complete high school. After completing the program, more than half join the work force, 19% join the military, and 20% continue their education. The data indicate that on a daily per capita basis, Project ChalleNGe is 85% less expensive than high school, 320% less expensive than Job Corps, 433% less expensive than juvenile corrections, and 600% less expensive than adult corrections.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: David Ervine  
Address: Department of Emergency and Military Affairs  
5636 E. McDowell Road, Building 101  
Phoenix, AZ 85008-3495  
Telephone: (602) 231-6334  
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**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

An oral proceeding regarding the proposed rules will be held as follows:

Date: Tuesday, October 7, 2008  
Time: 10:00 a.m.  
Location: 20395 E. Rittenhouse Road  
Queen Creek, AZ 85242

The rulemaking record will close at 5:00 p.m. on October 10, 2008.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

A.R.S. § 26-102(C)(5) requires that these rules be approved by the Governor.

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 8. EMERGENCY AND MILITARY AFFAIRS**

**CHAPTER 5. PROJECT CHALLENGE**

**ARTICLE 1. PROJECT CHALLENGE**

Section

<u>R8-5-101.</u>	<u>Definitions</u>
<u>R8-5-102.</u>	<u>Project ChalleNGe: Cadet Prerequisites</u>
<u>R8-5-103.</u>	<u>Project ChalleNGe Application</u>
<u>R8-5-104.</u>	<u>Procedure for Selecting Cadets</u>
<u>R8-5-105.</u>	<u>Project ChalleNGe: Mentor Requirements</u>
<u>R8-5-106.</u>	<u>Project ChalleNGe Mentor Application</u>

**ARTICLE 1. PROJECT CHALLENGE**

**R8-5-101. Definitions**

In this Chapter, unless otherwise specified:

“Applicant” means an individual who applies to the Department to be a cadet or mentor in Project ChalleNGe.

“Cadet” means an individual who participates in Project ChalleNGe.

“Department” means the Department of Emergency and Military Affairs as established at A.R.S. § 26-101.

“Director” means the director of Project ChalleNGe.

“Immediate family member” means parent, guardian, step-parent, foster parent, grandparent, brother, sister, aunt, uncle, niece, nephew, and first cousin.

“Mentor” means an adult volunteer who works with a cadet during the residential and post-residential phases to help the cadet achieve educational and career goals.

“Post-residential phase” means the 12 months following the residential phase during which a cadet works with a mentor to sustain positive lifestyle changes.

“Pre-ChalleNGe phase” means the first two weeks of program participation during which a cadet participates in physical, academic, and skill assessments.

“Project ChalleNGe” means a national program that is supported by the U.S. Department of Defense and the National Guard Bureau and implemented by various states.

“Residential phase” means five months of program participation during which a cadet lives in a quasi-military environment and focuses on basic lifestyle changes through education, training, and community service.

**R8-5-102. Project ChalleNGe: Cadet Prerequisites**

To participate as a cadet in Project ChalleNGe, an individual shall, at the time of acceptance:

1. Be 16, 17, or 18 years old unless the National Guard Bureau determines that an older age is required to accommodate a change in Arizona’s minimum legal age for leaving school;
2. Be a U.S. citizen or permanent resident alien;
3. Be an Arizona resident;
4. Be unemployed or underemployed;
5. Be physically and mentally able to participate, with a reasonable accommodation if necessary;
6. Identify two prospective mentors;
7. Be willing to comply with all Project ChalleNGe rules;
8. Not have graduated from high school;
9. Not test positive for the presence of illegal drugs or substances;
10. Not be on probation or parole for other than a juvenile-status offense;
11. Not have a felony conviction;
12. Not have a felony action pending; and
13. Voluntarily apply to Project ChalleNGe.

**R8-5-103. Project ChalleNGe Application**

**A.** To apply to participate as a cadet in Project ChalleNGe, an applicant who meets the criteria in R8-5-102 shall complete and submit to Project ChalleNGe:

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1. An application form, which is available from Project ChalleNGe;
  2. A statement in no more than 100 words of why the applicant wants to participate in Project ChalleNGe;
  3. A copy of the applicant's birth certificate;
  4. A copy of the applicant's Social Security card;
  5. A copy of the applicant's withdrawal form from an Arizona school;
  6. A copy of the applicant's transcript from an Arizona school; and
  7. A copy of all court documents relating to a juvenile record, felony conviction, pending trial, or other pending court case.
- B.** In addition to completing the application and submitting the materials required under subsection (A), an applicant shall submit to Project ChalleNGe the following forms, as completed by the applicant's parent or guardian:
1. A health history questionnaire, which provides information regarding the applicant's health status;
  2. A treatment authorization form;
  3. A signed and notarized special power of attorney for health care and general power of attorney;
  4. A transportation permission form;
  5. A waiver of liability form;
  6. An emergency medical information form; and
  7. A verification of medical insurance form.
- C.** An applicant shall submit to Project ChalleNGe a photocopy of the front and back of the cards showing the following, if applicable:
1. Health insurance,
  2. Prescription medication coverage, and
  3. Dental insurance.
- D.** An applicant shall submit to Project ChalleNGe:
1. An immunization record showing the date on which the applicant received each immunization,
  2. A dental status form completed by a dentist authorized by law to practice in Arizona; and
  3. An eye examination form completed by an optometrist or ophthalmologist authorized by law to practice in Arizona.
- E.** An applicant shall ensure that a Project ChalleNGe physical evaluation form, completed within the last year by a physician, nurse practitioner, or physician assistant authorized by law to practice in Arizona, is submitted to Project ChalleNGe by the applicant's parent or guardian.
- F.** An applicant shall ensure that the applicant's parent or guardian submits to Project ChalleNGe:
1. A psychological evaluation form completed by a psychiatrist, psychologist, social worker, counselor, or other mental-health professional authorized by law to practice in Arizona, and
  2. If the applicant received care from a psychiatrist, psychologist, social worker, counselor, or other mental-health professional, a copy of the most recent written report regarding the care and stating an opinion of whether the applicant is able to participate in Project ChalleNGe.
- G.** An applicant shall submit to Project ChalleNGe a completed application, as described in R8-5-106, from at least one potential mentor.

**R8-5-104. Procedure for Selecting Cadets**

- A.** An applicant who meets the criteria under R8-5-102 and complies fully with R8-5-103 is eligible to participate in Project ChalleNGe.
- B.** To assist with the selection process, Project ChalleNGe staff shall interview an eligible applicant and the eligible applicant's parent or guardian and recommend whether the applicant be admitted to Project ChalleNGe.
- C.** The Director shall make the final decision regarding which eligible applicants are admitted to Project ChalleNGe. The Director shall give consideration to the diverse population of Arizona. Other things being equal, the Director shall give preference to older applicants.
- D.** After being notified of admission to Project ChalleNGe, a female applicant shall submit to Project ChalleNGe a well-woman evaluation form, completed by a physician or nurse practitioner authorized by law to practice in Arizona, which includes the result of a pregnancy test conducted within 30 days before the beginning of the Pre-ChalleNGe phase. The Director shall not allow a female applicant who is pregnant to participate in Project ChalleNGe.
- E.** An eligible applicant who is not admitted to Project ChalleNGe may re-apply by complying with R8-5-103.

**R8-5-105. Project ChalleNGe: Mentor Requirements**

To participate as a mentor in Project ChalleNGe, an individual shall:

1. Be at least 25 years old;
2. Be the same gender as the cadet to be mentored;
3. Not be an immediate family member of the cadet to be mentored;
4. Not live in the same household as the cadet to be mentored but live in the same geographic area as the cadet;
5. Be interested in and committed to the success of the cadet to be mentored;

6. Participate in training regarding the responsibilities of a mentor;
7. Contact the cadet at least four times each month and ensure that there are at least two face-to-face contacts each month during the post-residential phase;
8. Contact the cadet's Project ChalleNGe case manager every month;
9. Submit to Project ChalleNGe monthly reports, using a form that is available from Project ChalleNGe, regarding the cadet's progress;
10. Plan and complete a community service project with the cadet during the post-residential phase; and
11. Submit fingerprints and information necessary for Project ChalleNGe to conduct a criminal background check.

**R8-5-106. Project ChalleNGe Mentor Application**

- A.** To apply to participate as a mentor in Project ChalleNGe, an applicant who meets the criteria in R8-5-105 shall complete and submit to Project ChalleNGe, either directly or through an applicant as described in R8-5-103(G), an application form, which is available from Project ChalleNGe.
- B.** In addition to submitting the application form required under subsection (A), an applicant shall submit to Project ChalleNGe:
  1. A signed mentor liability release form;
  2. A signed list of mentor responsibilities indicating that the applicant has reviewed, understands, and agrees to fulfill the responsibilities listed;
  3. A signed authorization for release of information regarding the applicant to Project ChalleNGe; and
  4. A completed fingerprint card, which Project ChalleNGe shall use to conduct a criminal background history of the applicant.
- C.** Additionally, an applicant shall provide a copy of the Mentor Reference Response form, which is available from Project ChalleNGe, to four individuals, including at least one employer, and ask the individuals to complete and return the form to Project ChalleNGe.